

Before the  
Federal Communications Commission  
Washington, D.C. 20005

In the Matter of	)	
	)	
Implementation of Section 304 of the	)	CS Docket No. 97-80
Telecommunications Act of 1996	)	
	)	
Commercial Availability of Navigation Devices	)	
	)	
Compatibility Between Cable Systems and	)	
Consumer Electronics Equipment	)	PP Docket No. 00-67

**OPPOSITION TO GENESIS' PETITION FOR RECONSIDERATION**

HDMI Licensing, LLC ("HDMI LLC"), by its counsel, pursuant to Section 1.429 of the Commission's rules, hereby submits this Opposition to Genesis Microchip Inc.'s ("Genesis") Petition for Reconsideration of the Second Report and Order in the above captioned proceeding (the "Petition")<sup>1</sup>. HDMI LLC is the entity chosen by the HDMI founders for the licensing and administration of the HDMI specification.

HDMI LLC supports the Commission's adoption of the HDMI specification as set forth in the Plug and Play Order, and respectfully requests the Commission to reject Genesis' Petition. In its Petition, Genesis makes several misleading and inaccurate statements concerning the licensing of the HDMI specification. The purpose of this Response is to correct and clarify several of the most significant of these statements. We note that Genesis never contacted HDMI LLC directly regarding its concerns, and if it had, perhaps some of these inaccuracies could have been avoided.

**1) HDMI Technology is offered on Reasonable and Non-Discriminatory Terms.**

The Commission specifically found that the HDMI Adopter Agreement for the HDMI technology is freely offered on a non-discriminatory basis.<sup>2</sup> However, in its Petition, Genesis questions whether the HDMI Adopter Agreement will be offered on a non-discriminatory basis, and states further that the HDMI founders may "arbitrarily

---

<sup>1</sup> Second Report and Order and Second Further Notice of Proposed Rulemaking in CS Docket No.97-80 and PP Docket No. 00-67, Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices and Compatibility Between Cable Systems and Consumer Electronics Equipment, Adopted October 9, 2003 ("Plug & Play Order").

<sup>2</sup> Plug & Play Order Para. 25.

dictate” the license terms of the HDMI technologies.<sup>3</sup> The HDMI founders and HDMI LLC have repeatedly committed to licensing the HDMI specification under reasonable and non-discriminatory terms.<sup>4</sup> Moreover, the license fees under the HDMI Adopter Agreement are reasonable, and any increases in such fees are capped at the increase in the United States Department of Labor Producer Price Index for the previous twelve months.<sup>5</sup> In addition to committing to the foregoing HDMI Adopter Agreement licenses, the HDMI founders have offered to license any entity (including non-adopters) separate licenses to the HDMI specification, HDMI trademarks and the founders’ HDMI necessary claims on fair, reasonable and non-discriminatory terms.<sup>6</sup> These facts clearly counter Genesis’ assertion.

## **2) HDMI Specification is Publicly Available.**

In its Petition, Genesis states that the HDMI Specification is available only upon the payment of a \$15,000 fee.<sup>7</sup> What Genesis fails to disclose is that the HDMI founders made available to all interested parties a draft 0.9 version of the HDMI specification prior to completion of the final specification at no charge. Over 150 entities received a copy of the 0.9 specification. In addition, the HDMI founders currently offer an informational version of the HDMI specification, again at no charge. The informational specification contains almost the entire HDMI specification, omitting only some low level technical details. Moreover, HDMI LLC wishes to inform the Commission that in their last meeting, the HDMI founders agreed to make the entire HDMI specification available at no charge.<sup>8</sup>

## **Conclusion**

The HDMI founders and HDMI LLC provide reasonable and non-discriminatory licenses to the HDMI technology. As further noted by the Commission, the HDMI technology is widely available in the marketplace and has been adopted by leading standard setting bodies.<sup>9</sup> For these reasons we respectfully ask that the Commission deny Genesis’ Petition.

Respectfully Submitted,

Leslie F. Chard  
Counsel for HDMI Licensing, LLC

---

<sup>3</sup> Petition p. 6.

<sup>4</sup> The Opening paragraph of the HDMI Adopter Agreement clearly commits to a non-discriminatory license (the HDMI Adopter Agreement is available at <http://www.hdmi.org/>). *See also* the Frequently Asked Questions portion of the HDMI LLC website, which provides that “HDMI is licensed under reasonable and non-discriminatory terms.” (The HDMI FAQ is available at <http://www.hdmi.org/faq/faq>.)

<sup>5</sup> Adopter Agreement Para. 7.6.

<sup>6</sup> Adopter Agreement Para’s. 9.22.1 and 9.22.2.

<sup>7</sup> Petition p. 7, note 16.

<sup>8</sup> This action was taken after Genesis had submitted its Petition.

<sup>9</sup> Plug & Play Order Para. 25.